

8-CR-0009-NS-C

INDICTMENT-

Sale of Alprazolam

**STATE OF MISSISSIPPI
NESHOPA COUNTY**

BOND LOWERED BY ~~PRER \$35,000~~
JUDGE V. COTTEN \$15,000

In the Circuit Court of said County, the Grand Jury having reconvened on January 22, 2008.

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful persons of the County of Neshoba, duly elected, empaneled, sworn and charged on December 6, 2007, in the Court aforesaid, to inquire in and for the body of the County aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

JOSEPH SKYLER BURNLEY

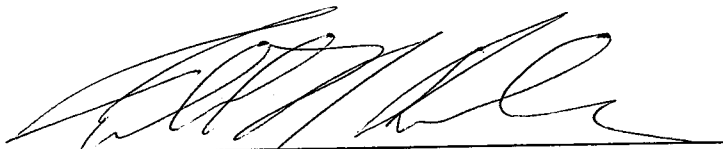
late of the County aforesaid, on or about the 20th day of July, in the year of our Lord, 2007, in the County and State aforesaid, and within the jurisdiction of this Court,

did willfully, unlawfully, feloniously and knowingly sell and deliver to Kevin Gregory and Clay McCombs, a Schedule IV controlled substance, namely Alprazolam, in Neshoba County, Mississippi, contrary to and in violation of Section 41-29-139(a)(1), Miss. Code Ann. (1972),

against the peace and dignity of the State of Mississippi.

FILED

JAN 23 2008
TIME 4:25 PM
PATTI DUNCAN LEE
CIRCUIT CLERK


District Attorney

[Signature]
District Attorney

A TRUE BILL

[Signature]
Foreman of the Grand Jury

Witnesses: _____

Filed the _____ day of _____, 2008.

_____, Clerk _____, D. C.

I hereby certify that I have this day personally delivered to _____

copies of this indictment and the copies issued hereupon.

_____, Sheriff

AFFIDAVIT:

I, [Signature], am the foreman of the aforesaid grand jury. This indictment was concurred by twelve or more members of the grand jury and fifteen or more members were present during the deliberations.

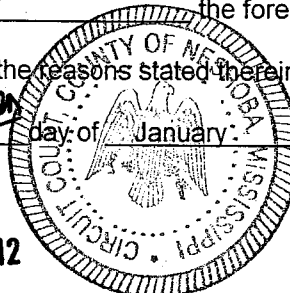
[Signature]
Foreman of the Grand Jury

Before me personally appeared [Signature] the foreman of the aforesaid grand jury who made the above affidavit for the reasons stated therein.

SWORN TO AND SUBSCRIBED by me, this the 23rd day of January, 2008.

[Signature]
Notary Public

My commission expires: My Commission Expires Jan. 1, 2012



V.S.

STATE OF MISSISSIPPI

Term, A.D., 2008

COUNTY

STATE OF MISSISSIPPI

INDICTMENT

No. _____

CAPIAS.

Case# 08-CR-0009-NS-C DEMENT-MERIDIAN 59-5632

THE STATE OF MISSISSIPPI

To the Sheriff of Neshoba County, Greeting:

WE COMMAND YOU to take the body of JOSEPH SKYLER BURNLEY

If to be found in your county, and him safely keep, so that you have his body before the Honorable, the Circuit Court of Neshoba County, not to be holden in and for said County, at the Court House thereof, in the Town of Philadelphia, on the INSTANTER, then and there to answer unto the State of Mississippi, of a charge of _____

SALE OF ALPRAZOLAM

I have this day executed the within process personally by
delivering to the within named Joseph Skylan
Burnley a true copy of this process.
This the 25 day of Jan 20 08
DONNIE ADKINS, Sheriff
BY Patti Duncan Lee D.S.

preferred by bill of indictment found and returned into the said court, at the _____
JANUARY Term, A.D. 20 08, thereof, by the Grand Jury duly empanelled and
sworn at said term.

HEREIN FAIL NOT, and have then and there this writ, with the manner you have executed the same.

Given under my hand and seal of said Court affixed, and issued the 23rd day of JANUARY A.D.
20 08.

FILED

JAN 25 2008
TIME 1:45 PM
PATTI DUNCAN LEE
CIRCUIT CLERK

Patti Duncan Lee

By: _____

D.C.

IN THE EIGHTH CIRCUIT COURT DISTRICT
NESHOBIA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

CASE NO. 08-CR-0009-NS-C

JOSEPH SKYLER BURNLEY

DEFENDANT

WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA
(Non-capital case; Represented by Counsel)

Prior to arraignment, Defendant through his counsel reserves the right to object to any defect in the indictment and reserves the right to file pleadings required to be filed prior to arraignment, within 30 days from the date hereof.

COMES now the Defendant, JOSEPH SKYLER BURNLEY, with counsel and acknowledges service of an indictment on a non-capital charge of SALE OF ALPRAZOLAM

I understand the nature of the charge against me, and I hereby waive formal reading of the indictment to me in open court. I hereby enter a plea of NOT GUILTY to the charge set out in the indictment.

All motions are to be filed, noticed and heard prior to trial. The Defendant, through his/her attorney, and/or the State, is required to give notice of any motion that will require the presence of a Court Reporter (wherein testimony or evidence is offered in support or in opposition to said motion) to the circuit court administrator on the date said motion is filed.

Defendant must fully complete the biographical information form attached hereto.

WITNESS MY SIGNATURE this the 25 day of January, 2008.

Joseph Burnley
SIGNATURE OF DEFENDANT

Christopher Lee
ATTORNEY FOR DEFENDANT

FILED

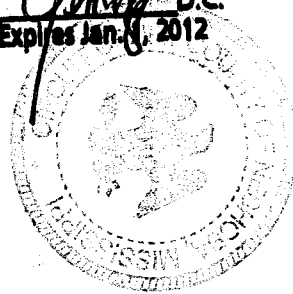
JAN 25 2008

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

DISTRICT ATTORNEY

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25th day of Jan,
20 08.

PATTI DUNCAN LEE, CIRCUIT CLERK
& EX-OFFICIO NOTARY PUBLIC
DEPUTY CLERK/NOTARY PUBLIC
BY [Signature] D.C.
My Commission Expires Jan. 1, 2012



ALL THREE PAGES OF THIS FORM MUST
BE FILED WITH THE CIRCUIT CLERK.

Amd. 5/20/04
8th Circ. Ct.

DEFENDANT'S BIOGRAPHICAL INFORMATION

Name or Alias (and Maiden Name if applicable) Joseph Skyler Burnley

Home Address 1017 Fairground St. Kosciusko MS 39090

Home Phone (462) 289-3793 Other Phone or Cell Phone (601) 572-1997

Date of Birth 10/18/88 City and State of Birth: Jackson MS

Sex: M Female Male Social Security No.: 887-69-7557

Spouse's Name _____

Spouse's Home Phone _____ Spouse's Work Phone _____

Spouse's Home Address _____
(if different than your's)

Name and address of Parent Samuel Glen Burnley Same

Boyfriend/girlfriend's Home Phone _____ Work Phone 289-5331

Your Place of Employment TC Construction Work Phone Same

Work Address Carmack MS

Name of Supervisor Terry Caruthers

Name and Address of Last Employer _____
(if not currently employed) _____

FILED

JAN 25 2008

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

Supervisor's Name _____ Phone No. _____

Your last non-incarcerated Address _____

Phone No. _____

Joseph Burnley
Defendant's signature

Date 1/25/07

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

NO. 08-CR-009-MS-C

Joseph Skyler Buntz

DEFENDANT

PETITION TO PLEAD GUILTY

I, Joseph Skyler Buntz do hereby petition this honorable court to accept my plea of guilty to the crime of Sale of Marijuana in the above styled and numbered cause of this court, fully understanding that I am answering the below questions under oath; that false or untrue answers can result in my prosecution for the crime of perjury for which the maximum sentence to the Department of Corrections is ten (10) years; and further understanding that my answers below can and will be used against me in any court of law, I, Joseph Skyler Buntz do answer the following questions in the presence of my attorney, Christopher A. Collins in order to show and demonstrate to the court that I am knowingly, intelligently, understandingly, freely and voluntarily entering my plea of guilty to the crime of Sale of Marijuana in the above styled and numbered cause of this court.

I. STATISTICS

Age: 19; Date of Birth: 10/14/88; Male: X; Female: _____; Race White; Education: 11th; Previous schools attended: Ethel H.S.; Employment, training, and trade or business experience: Construction

II. PRESENT ABILITY TO PLEAD

Are you, at the present time, under the influence of any drugs? NO, or intoxicants? NO. Do you know and understand that if your plea of guilty is accepted you may lose your freedom for a long time? YES.

III. KNOWLEDGE OF CRIME

Have you been served with a copy of the indictment in Cause No. 08-CR-009-MS-C of this court charging you with committing the crime of Sale of Marijuana on the 20th day of July, 2007 when it is alleged that you Sold Marijuana

_____? YES (Judge's initial if explained in courtroom by District Attorney. _____) Have you read the indictment? YES Have you discussed it fully with your attorney, Christopher A. Collins who is present with you? YES Do you understand the charge against you? YES Do you know and understand the maximum and minimum sentence for this crime is max - 20 years & \$250,000.00; min 0 years & \$10.00? YES

IV. FREE AND VOLUNTARY ACT

Has anyone threatened you in order to make you plead guilty? NO Has anyone promised you anything in order to get you to plead guilty? NO Has anyone told you that it would be better for you to plead guilty, that the court would be lighter on you, or anything like those statements? NO Has your attorney, Christopher A. Collins, made any threats or promises to you in this case? NO Are you satisfied with his services as an attorney? YES Are you fully satisfied that he has acted and advised you in a manner that has been for your best interest in this case? YES

V. WAIVER OF CONSTITUTIONAL RIGHTS

Do you know and understand that you have constitutional rights, and that it is the duty of this court to protect those constitutional rights for you? YES One of those rights is your right to a jury trial, do you understand that? YES Do you know that if you desire to have a trial, you have the right to be confronted by the witnesses against you? YES Do you know that you, or you through your attorney, have the right to question and cross-examine the witnesses against you? YES Do you know you have the right to present witnesses; that you have the choice to testify, or not to testify, and if you choose not to testify, that fact cannot be commented upon or used against you? YES Do you understand that the State has the burden of proving the case against you beyond a reasonable doubt? YES Do you understand that, if you desire a trial, all twelve (12) jurors must agree on a verdict of guilty? YES Do you understand that, if a jury convicted you, you would have a right to appeal to our Supreme Court, but if you plead guilty, you are waiving your right to appeal your case? YES Do you understand that if you plead guilty, you are waiving your constitutional rights against self-incrimination, the constitutional rights I have just asked you about, and all of your constitutional rights? YES Do you understand that, if your plea of guilty is accepted, the only thing remaining for the court to do is to sentence you, and that sentence could be to the maximum sentence provided by the law? YES

MB 67
DC 769

VI. PLEA BECAUSE GUILTY

State what sentence the State will recommend, if any to your knowledge, on your Plea of guilty. 2 year - 3 years = 2 year 4 \$1500 w
(Judge's initial if State affirms recommendation. UNC) Has anyone ever indicated or told you the State's recommendation would be less? NO Are you pleading guilty because you are guilty, and for no other reason? YES State briefly what you did, who was with you, etc., in your own words, that makes you think you are guilty of the crime you are pleading guilty to: Sale Approval

Do you understand that the court is not bound by any recommendation the State may make, but the court will determine what your sentence shall be, and that sentence could be the maximum sentence provided by law? YES Knowing your personal background, the crime you are charged with committing, the maximum and minimum punishment therefor, that you are waiving all of your constitutional rights, what the State will recommend, and that the court may not accept the recommendation of the State and may sentence you to the maximum sentence provided by law, is it still your desire to enter a plea of guilty to the crime with which you are charged? YES

STATE OF MISSISSIPPI
COUNTY OF NESHOBIA

Personally appeared before me, the undersigned authority in and for the hereinabove mentioned State and County, Joseph Skyl Burley who after being duly sworn, did depose and say under solemn oath that the answers hereinabove made by me are true and correct as hereinabove stated.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 5th day of March 20 08

By Patti Duncan Lee Circuit-Clerk D. C.

ATTORNEY'S CERTIFICATE

I, Christopher A. Collins a duly licensed and practicing attorney at law, do hereby certify that I represent Joseph Skyl Burley defendant in the above styled and numbered cause of this court, that I have fully discussed this case with the said defendant, and the consequence of his plea of guilty thereto; that I am satisfied the defendant has knowingly, intelligently, freely and voluntarily answered the foregoing questions in writing and orally in the courtroom, under oath, fully understanding the consequences of the plea of guilty, and that all of the above was done in my presence by the defendant and of the defendant's free and voluntary will and consent after freely consulting with me as attorney at law.

This the 5th day of March 20 08

Christopher A. Collins
Attorney

JUDGE'S CERTIFICATE

I, Vernon R. Cotten Circuit Judge in and for the Eighth Circuit Court District of the State of Mississippi, do hereby certify that, after the defendant was sworn in, I interrogated the defendant Joseph Skyl Burley, in open court in the presence of his attorney, Christopher A. Collins again asking, inter alia, the foregoing questions, and the Court does find that the defendant entered the plea of guilty herein freely, voluntarily and intelligently with full understanding of what the defendant was doing and the consequences of the guilty plea with full and proper advice from his attorney, and therefore, the Court accepts the defendant's plea of guilty.

This the 5 day of March 20 08

Vernon R. Cotten
Circuit Judge

All done in the presence:

K. Mil
Court Reporter

Bailiff

Clerk

FILED

MAR 05 2008

TIME 11:15 AM
PATTI DUNCAN LEE
CIRCUIT CLERK

MB 67
P6770

FILED

IN THE CIRCUIT COURT OF NESHOB COUNTY
THE STATE OF MISSISSIPPI

MAR 06 2008

STATE OF MISSISSIPPI

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

VS

JOSEPH BURNLEY

Cause #: 08-CR-0009-NS-C

DOB: 10/18/1988

SS #: 587-69-7557

RACE: White

SEX: MALE

PROBATION ORDER

THIS CAUSE having come before the Court this day for hearing and the Defendant appeared with counsel and the State by the District Attorney and the Defendant having announced that he wished to enter a plea of guilty and the Court having questioned the Defendant to ascertain the voluntariness of the plea and his/her understanding of the rights set forth and entered in the Petition to Enter Plea of Guilty, found that the Defendant had understandingly, knowingly, willingly and voluntarily waived all of his/her constitutional rights as stated in the petition and entered this plea of guilty to the charge of

SALE OF ALPRAZOLAM (MCA _____).

IT IS THEREFORE ORDERED THAT THE DEFENDANT IS ADJUDICATED GUILTY OF THE CHARGE OF SALE OF ALPRAZOLAM AND THAT HE/SHE IS SENTENCED TO SERVE A TERM OF 5 (FIVE) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS WITH 3 (THREE) YEARS SUSPENDED AND 3 (THREE) YEARS SUPERVISED. PROBATION UNDER THE SUPERVISION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS. AFTER HE/SHE HAS COMPLETED SERVICE OF 2 (TWO) YEARS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND IS HONORABLY DISCHARGED THEREFROM, HE/SHE IS REMANDED TO THE SUPERVISION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COMPLETE THE SUSPENDED AND PROBATIONARY PORTION OF THE SENTENCE UNDER THE JURISDICTION OF THIS COURT.

IT IS THE ORDER OF THE COURT THAT YOU SHALL COMPLY WITH THE FOLLOWING CONDITIONS. FAILURE TO ABIDE BY ANY ONE OF THESE CONDITIONS IS SUFFICIENT TO REVOKE THE SUSPENDED PORTION OF THIS ORDER. **THE CONDITIONS ARE AS FOLLOWS:**

- (a) Defendant shall hereafter commit no offense against the laws of this state, another state or the United States of America.
- (b) Obey all orders of this Court and your probation officer.
- (c) Avoid injurious or vicious habits, totally abstaining and avoiding the use of barbiturates, narcotics, marijuana, or any other habit forming drug including all controlled substances.
- (d) Avoid persons and places of disreputable or harmful character and specifically avoid association with any persons previously convicted of a crime or the presence at any location where criminal activity is taking place.
- (e) Report to the probation officer today in person and once a month beginning one month following this date or as directed by the probation officer. YOU MUST REPORT IN PERSON ON THE DAY AND TIME REQUIRED UNLESS SPECIFICALLY EXCUSED BY THE PROBATION OFFICER, IN ADVANCE.
- (f) Permit the probation officer to visit you at your home or elsewhere without restriction, reluctance or delay. Submit his person, place of residence, automobile, personal property, personal effects, recreational vehicle, clothing and any other area or place or property under his/her control, care or custody to search at any time by any probation officer or law enforcement officer.

MB 67
PG 876

(g) Do not leave NESHOPA County without the expressed written consent of the Court and/or the probation officer. Remain inside the State of Mississippi unless authorized on proper application to the Court and/or probation officer. The procedure for making such application is available upon request of your probation officer.

(h) Immediately notify your probation officer of any change in address, employment, marital status, or arrest. YOU MAY NOT WAIT UNTIL A REGULAR REPORT DATE TO NOTIFY THE PROBATION OFFICER OF SUCH A CHANGE.

(i) **PAY FINES FEES AND COSTS OF COURTS AS ORDERED BY THE COURT.**

(j) Pay probation supervision fee of \$45.00 per month.

(k) Support all dependents as required by law and conduct himself/herself honorably at all times and have lawful employment.

(l) Totally abstain from the use and possession of alcohol in any form. THE USE OF ALCOHOL MAY RESULT IN MY REVOCATION JUST AS VIOLATION OF ANY OTHER CONDITIONS.

(m) THAT I DO HEREBY WAIVE EXTRADITION TO THE STATE OF MISSISSIPPI FROM ANY JURISDICTION IN OR OUTSIDE OF THE UNITED STATES WHERE I MAY BE FOUND AND ALSO AGREE THAT I WILL NOT CONTEST AND WILL HOLD HARMLESS ANY AUTHORITY FOR ANY JURISDICTION, WHICH SHALL BE HOLDING ME, WHICH MAY SEEK TO RETURN ME TO THE STATE OF MISSISSIPPI.

(n) Submit, as provided in section I of house bill 354, 1983 regular session to any type breath, saliva, urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any other substance prohibited or controlled by any law of this state or the United States.

(o) That I will not possess or have in my control any firearm or deadly weapon as defined by state or federal law.

(p) And further that he/she shall supply any necessary information for compliance with any law relating to sex offender registration, drivers license revocation or any other requirement of law caused by this conviction.

DEFENDANT TO GET CREDIT FOR _____ DAYS IN CUSTODY

You are hereby advised that under the laws of the State of Mississippi, the Court shall determine the terms and conditions of probation and may, at any time, during the period of probation, alter, modify, extend terminate or direct the enforcement of the above sentence.

SO ORDERED THIS THE 5 DAY OF Mar., 2008.



CIRCUIT JUDGE

FILED

MAR 06 2008

TIME _____
PATTI DUNCAN LEE
CLERK

Joseph Burnley

STATE OF MISSISSIPPI
COUNTY OF NESHOPA

I, _____, Clerk of the Circuit Court in said County and State certify that the above and foregoing Order is a true and correct copy of the of the order entered and recorded in Minute book _____ on page _____ of the Circuit Court of NESHOPA County, Mississippi in the above styled cause.

This the _____ day of _____, _____.

By: _____
Deputy Clerk

I, the undersigned Defendant in this cause, acknowledge that this is my bargain and that I reaffirm that the information is true and correct that I have given to the Court and the probation officer. I fully understand the terms and conditions of this order. I understand that probation is a privilege and not a right and that the Court may revoke my probation for any violation regardless of how slight or serious. I accept the probation under the terms and conditions set forth in this order, a copy of which I acknowledge having received.

WITNESS MY SIGNATURE THIS THE 6th DAY OF March, 2008.

Joseph Burnley
DEFENDANT

I, the undersigned probation officer, have this day served a copy of the foregoing Probation Order upon the Defendant/Probationer and have fully explained all conditions and answered all questions asked of me by the Defendant/Probationer.

This the 6th day of March, 2008

[Signature]
PROBATION OFFICER

FILED

MAR 06 2008

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

818

IN THE CIRCUIT COURT OF NESHOBIA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

FILED

VS.

MAR 08 2008

CAUSE NO. 08-CR-0009-NS-C

JOSEPH SKYLER BURNLEY

TIME 8:00
PATTI DUNCAN LEE
CIRCUIT CLERK

CHARGE: Sale of Alprazolam

JUDGMENT ON GUILTY PLEA

THIS CAUSE CAME ON for hearing before the Court, and the District Attorney, representing the State, announced ready for trial, and came the Defendant, Joseph Skyler Burnley, and his attorney of record, and announced to the Court that the Defendant desired to be rearraigned. Whereupon, the reading of the indictment to the Defendant in open Court was waived by the Defendant, through his attorney, and on rearraignment, the Defendant entered a plea of guilty.

The Court, after full inquiry, determined that the Defendant's plea of guilty complied with the requirements of Rule 8.04 of the *Uniform Rules of the Circuit Court* and satisfied all of Defendant's additional legal and constitutional rights. The plea was accepted and the Court found the Defendant guilty.

Whereupon, the Court proceeded to impose sentence upon the Defendant, and on recommendation of the District Attorney, sentenced the Defendant as follows:

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Defendant, Joseph Skyler Burnley, is sentenced to serve a term of five (5) years in the custody of the Mississippi Department of Corrections (MDOC). Three (3) years are suspended leaving two (2) years to serve in the Custody of the MDOC. Upon the Defendant serving the said two (2) year term he is then to be placed on probation for three (3) years. The Defendant is also ordered to pay a fine of \$1,500.00 plus all Costs of Court. The Defendant is also ordered to be evaluated by MDOC upon entry into MDOC custody to determine his need for alcohol and drug treatment, whether the same be for long-term or short-

MB67
76 895

term, so that the ultimate decision as to the level of alcohol and drug treatment shall be made by MDOC. Fine and Court costs are to be paid in monthly installment of \$150.00, with the first installment due ninety (90) days after the Defendant's release from confinement and all installments to be made through the Office of the Circuit Clerk of this County.

SO ORDERED AND ADJUDGED by the Circuit Court of Neshoba County, Mississippi, in open and regular session, this the 5th day of March, 2008.


CIRCUIT JUDGE

FILED

MAR 08 2008

TIME 8:00 AM
PATTI DUNCAN LEE
CIRCUIT CLERK

STATE OF MISSISSIPPI

In the Circuit Court of Neshoba County Cause/Case No. 08-CR-0009-NS-C

TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

NOTICE OF CRIMINAL DISPOSITION

You are hereby notified that at the MARCH 5th 2008 term of the Circuit Court, Judge COTTEN presiding, the following disposition was imposed for the crime(s) hereinafter described:

- I. A. Disposition(s) Reported:** ☒ Prisoner Commitment ☐ Suspended Sentence/Probation ☐ Acquittal/Dismissal ☐ Provisional Sentence
(Check all that apply) (Complete A-1 if checked)
- A-1. Provisional Sentence** ☐ Non-Adjudication ☐ Sentenced under RID ☐ Sentenced under Shock Probation
(Compliance/Non-Compliance Order constitutes Final Disposition) ☐ Bad Check Diversionary Program ☐ Restitution Center in _____ County
- B. Conviction as Result of:** ☒ Guilty Plea ☐ Guilty Plea after _____ days of Commencement of trial
☐ Jury Verdict after _____ days in trial ☐ Revocation Hearing

II. Name JOSEPH SKYLAR BURNLEY **Alias** _____
SSN 587-64-7557 **Race** WHITE **Sex** MALE **Date of Birth** 10/18/1988
Last Known Residence 617 FAIRGROUNDS STREET KOSCIUSKO MS 39090
Place of Birth _____ **Country of Citizenship** _____
Alien Registration/Immigration # _____ **FBI #** _____

III. Count I Charge SALE OF ALPRAZOLAM
MS Code § _____ **Orig. Case#** _____ **Agency** _____
Count II Charge _____ **MS Code §** _____ **Orig. Case#** _____ **Agency** _____
***Count III Charge** _____ **MS Code §** _____ **Orig. Case#** _____ **Agency** _____

IV. Date of Sentence MARCH 5 2008 **Credit for Time Served (ONLY for this/these charge(s))** _____

Sentence(s) Initially Imposed by Order: Count I 5 YEARS; Count II _____; *Count III _____

| <input type="checkbox"/> Check if reporting additional Counts on Reverse Side | Portion of Sentence to be Served (Yrs/Mos) | Portion of Sentence Suspended (Yrs/Mos) | To be served on Probation (Yrs/Mos) | Other Disposition (See Legend on Reverse Side) |
|---|--|---|-------------------------------------|--|
| Count I | <u>2 YEARS</u> | <u>3 YEARS</u> | <u>3 YEARS</u> | |
| Count II | | | | |
| *Count III | | | | |

_____ to run concurrent with _____
_____ to run consecutive with _____

Conditions/Designation of Sentence: ☐ Habitual ☐ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other _____

V. Confined in Jail 07-21-07 to 07-28-07
[On This/These 01-25-08 to 02-08-08
Charges Only] 03-05-08 to PRESENT
_____ to _____
_____ to _____

Released on Bond Pending Appeal _____
Defendant Currently Housed in: _____

VI. Fine \$ 1500.00 **Indigent Fee \$** _____ **Restitution \$** 2% BOND MONEY \$300.00
Court Costs \$ 279.50 **Attorney Fees \$** _____ **Other Fees \$** _____
Conditions of Payment FINE COSTS AND RESTITUTION MAY BE PAID IN MONTHLY INSTALLMENTS OF \$150.00
WITHIN 90 DAYS OF RELEASE OF CONFINEMENT.

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

| | |
|----------------------|------------------------|
| Director of Records | INS Liaison |
| MDOC | MS Supreme Court |
| P. O. Box 88550 | P. O. Box 117 |
| Pearl, MS 39208-8550 | Jackson, MS 39205-0117 |

Send Suspended Sentence/Probation Notices, Provisional

Sentence Orders and Revocation Orders to:

| | |
|-------------------------|------------------------|
| Data Operations | INS Liaison |
| MDOC | MS Supreme Court |
| 723 North President St. | P. O. Box 117 |
| Jackson, MS 39202-3097 | Jackson, MS 39205-0117 |

Acquittal/Dismissal Notices to: INS Liaison (Above Address)



Circuit Clerk _____
By: Andrew [Signature]
Date: 03/13/08

SCINS Form CR1-8/31/94

MS Code Ann. § _____

DEMENT-MERIDIAN 60-2788

STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
RECORDS DEPARTMENT

Date: January 7, 2009

Honorable Vernon R. Cotten

District 8

205 MAIN ST.

Carthage, Ms 39051

RE: Name: Joseph Burnley

Register Number: 137731

Offense(s): SALE OF CONTROLLED SUBSTANCE

County of Conviction; Neshoba

Cause Number(s): 08CR0009NSC

Dear Judge Cotten

This letter is to serve as official notification of the imminent release of the above named subject. In accordance with House Bill #565 to amend 47-7-17 of the Mississippi Code, 1972, we are required by law to inform you that the prisoner named above will be released on PAROLE on January 21, 2009

Please forward immediately direct to this office, any commitments not reflected in the above cause number.

Respectfully,

Gloria Bebb
LS

cc:

FILED

JAN 12 2009

TIME
PATTI DUNCAN LEE
CIRCUIT CLERK

Circuit Court
401 East Beacon St.
Suite 110
Philadelphia, Ms 39350

District Attorney
P.O. Box 603
Philadelphia, Ms 39350

Sheriff's Office
401 East Beacon St.
Suite 108
Philadelphia, Ms 39350

Police Department
N/A

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Division of Community Corrections

State of Mississippi

In the Circuit Court

Vs.

Neshoba County, Mississippi

Joseph Burnley
(Defendant)

No. 08-CR-0009-NS-C

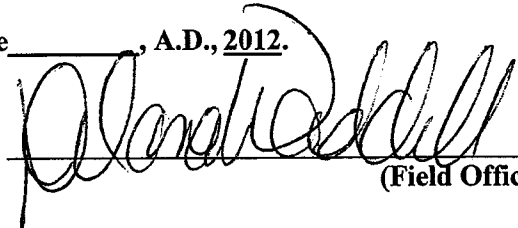
PETITION FOR TERMINATION OF PROBATION

COME NOW the undersigned Delana Waddell , and respectfully states to this Honorable Court that Joseph Burnley hereinafter referred to as the aforesaid, was on the 5TH day of March, A.D., 2008, convicted of the offense of SALE OF ALPRAZOLAM in the Court of NESHOBA County, which Court sentenced him to serve 5 years in the Mississippi Department of Corrections and suspended the execution of said sentenced and placed the aforesaid on probation for a term of 3 years, in accordance with the provisions of Mississippi Code 1972, Annotated, Sec. 47-7-33 & 47-7-35, and that the aforesaid has conformed to the conditions of said probation and has conducted hIMself in a law abiding manner and:

Offender paid all fines and fees in full to the Circuit Clerk

WHEREFORE, the undersigned respectfully prays that this Honorable Court terminate the probation of the aforesaid defendant and discharge him in accordance with Mississippi Code 1972 Annoted, Section 47-7-41.

Dated this 27 day of June _____, A.D., 2012.


(Field Officer)

cc: Circuit Clerk (Original)
Deputy Commissioner of Community Corrections
Field Officer

FILED

JUL 02 2012

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

State of Mississippi

MDOC 137731

Neshoba County, Mississippi

DISCHARGE ORDER

Cause # 08-CR-0009-NS-C

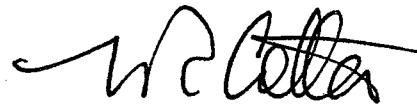
State of Mississippi

Vs.

Joseph Burnley

As requested by the Mississippi Department of Corrections in the form of a written
petition on 6/27/12 the probation of the aforesaid defendant is hereby terminated.
(Date)

So ordered and adjudged this 28 day of June 2012



Circuit Judge

cc: Circuit Clerk (Original)
Field Officer
Deputy Commissioner of Community Corrections
Offender

MDOC-CC-4-1963-119

FILED

JUL 02 2012

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

MBSP
201

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

APPELLANT

VS.

CAUSE NO. 09-CR-0121-NS-C

CITY OF PHILADELPHIA

APPELLEE

NOTICE OF APPEAL

By this notice, Appellant herein, Joseph Burnley, appeals to the Circuit Court of Neshoba County, Mississippi, from the final disposition and judgment entered in Docket No. 120091688 in the Municipal Court of Philadelphia, Mississippi. *See Exhibit "A"*. Appellant requests a trial *de novo* and jury trial. Appellant respectfully requests leave of the Circuit Court Clerk of Neshoba County, Mississippi, to proceed *in forma pauperis* whereas the posting cost bond and appearance bond are excused herein by the Appellant's affidavit of poverty. *See Exhibit "B"*.

Respectfully submitted,

By: 

YANCY B. BURNS

YANCY B. BURNS (MSB #99128)
BURNS & ASSOCIATES, PLLC
Post Office Box 16409
Jackson, Mississippi 39236-6409
Telephone (601) 487-6997
Facsimile (601) 487-6958

FILED

OCT 16 2009

TIME

PATTI DUNCAN LEE
CIRCUIT CLERK

CERTIFICATE OF SERVICE

I, Yancy B. Burns, attorney for Joseph Burnley herein, do hereby certify that I have this day served a true and correct copy of the foregoing document by mailing a true and correct copy thereof by United States Mail, with postage fully prepaid thereon, to:

Honorable Robert Thomas
City Attorney
525 Main Street
Philadelphia, MS 39350

This the 16th day of October, 2009.



YANCY B. BURNS

FILED

OCT 16 2009

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

STATE OF MISSISSIPPI
ABSTRACT OF CRTMAST RECORD
CITY OF PHILADELPHIA COURT
523 MAIN ST
PHILADELPHIA, MS 39350
601/650-3584

COUNTY: NESHOMA

AGENCY CODE: 5001

DOCKET NO: 120091688

DEFENDANT INFORMATION:

NAME: BURNLEY, JOSEPH

RACE: CAUCASIAN

SEX: MALE

ADD: 10201 HWY 491

DL NO: 587697557

PHILADELPHIA, MS 39350

BIRTH DATE: 10/18/1988

CRTMAST INFORMATION:

VEHICLE: 0000 TOYOTA

TAG NO: NEG872

CHARGE: DUI 1ST OFFENSE

DATE: 06/20/2009

OFFICER: LYONS, ERIC

JUDGE: STEVE CUMBERLAND

COURT DATE: 09/16/2009 PLEA: NOLO CONTENDRE

DISPOSITION: NOLO CONTENDRE

FINE: 508.00

ASSESSMENTS:

255.00

TOTAL FEE:

763.00

TOTAL DUE:

763.00

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF CITY OF PHILADELPHIA COURT
RECORD AS RECORDED IN DOCKET BOOK NO: 000 PAGE:

SIGNED:

Halley A. Bryson

TITLE:

*Deputy Clerk***FILED**

OCT 16 2009

TIME

PATTI DUNCAN LEE
CIRCUIT CLERK

Exhibit A

AFFIDAVIT OF POVERTY

STATE OF MISSISSIPPI
COUNTY OF NESHOBIA

I, Joseph S. Burnley, being duly sworn, depose and say that:

1. I am an adult resident citizen of Attala County, Mississippi, and I am competent to testify to the facts stated herein. This statement is made under oath and is a complete and accurate recitation of my financial means and abilities.

2. I am unemployed and was unemployed for over one month before my current term of incarceration. I have no income, assets or savings and investments. I do not own any real or personal property except my clothing and minimally required personal effects.

3. Due to my extreme poverty, I cannot afford to post a cost bond, if any, or an appearance bond.

4. I respectfully request that the lower court waive the appearance bond due to my extreme poverty, and further request that the Circuit Clerk approve my request to proceed in *forma pauperis* in my appeal of the judgment of the Municipal Court of Philadelphia, Mississippi.

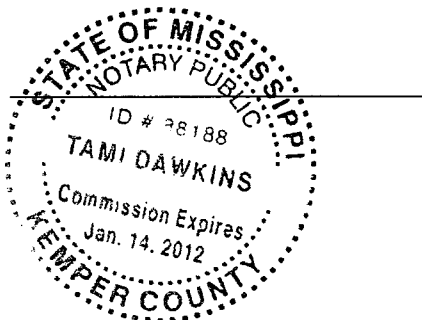
AND FURTHER AFFIANT SAITH NOT.

Joseph Burnley
JOSEPH S. BURNLEY

SWORN TO AND SUBSCRIBED BEFORE ME this the 16th day of October 2009.

Tami Dawkins
NOTARY PUBLIC

MY COMMISSION EXPIRES:



FILED

OCT 16 2009

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

Exhibit B

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

APPELLANT

V.

CAUSE NO.: 09-CR-0121-NS-C

CITY OF PHILADELPHIA

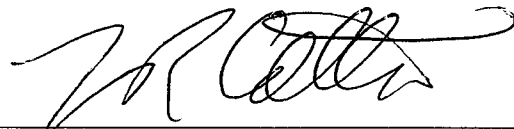
APPELLEE

ORDER SETTING CAUSE FOR HEARING
FOR APPELLANT TO PROCEED IN FORMA PAUPERIS

IT APPEARING Appellant Joseph Burnley has filed his affidavit of poverty in this cause, and the Court finds it is necessary to conduct a hearing to determine whether said appellant may lawfully proceed *in forma pauperis*.

IT IS THEREFORE ORDERED that the cause be set for hearing at 10:00 AM, November 4, 2009, in the courtroom of the Neshoba County Courthouse in Philadelphia, Mississippi, and the Clerk shall deliver a copy of this order to said appellant and to his counsel of record, Yancy B. Burns.

SO ORDERED this the 20th day of October, 2009.



CIRCUIT JUDGE

FILED

OCT 21 2009

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

MB72
Pg148

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS

CAUSE NO.: 09CR0121-NS-C

JOSEPH BURNLEY

DEFENDANT

NOTICE OF HEARING

PLEASE TAKE NOTICE that counsel for the Defendant, Joseph Burnley, will bring his *Motion for Revocation Hearing* on for hearing before the Honorable Vernon R. Cotton, Circuit Judge, on Wednesday, November 4, 2009, beginning at 9:00 a.m., at the Neshoba County Courthouse located at 401 E. Beacon St., Philadelphia, MS 39350.

THIS the 26 day of October, 2009.

Respectfully submitted,

JOSEPH BURNLEY

By: 

YANCY B. BURNS

Yancy B. Burns, Esq. (MSB # 99128)
Burns and Associates, PLLC
P.O. Box 16409
Jackson, MS 39236-6409
Telephone (601) 487-6997
Facsimile (601) 487-6958

FILED

OCT 28 2009

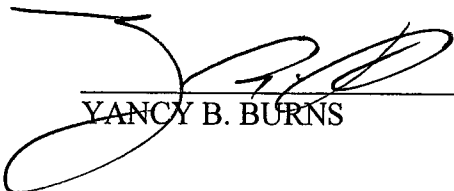
TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

CERTIFICATE OF SERVICE

I, Yancy B. Burns, attorney for the Defendant, do hereby certify that I have this day served, via U.S. Mail, postage prepaid, a true and correct copy of the foregoing document, to the following:

Mark Duncan, Esq.
Neshoba County District Attorney
P.O. Box 603
Philadelphia, MS 39350

SO CERTIFIED, this the 26th day of October, 2008.



YANCY B. BURNS

FILED

OCT 28 2009

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

IN THE CIRCUIT COURT OF NESHOBIA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 09CR0121-NS-C

JOSEPH BURNLEY

DEFENDANT

MOTION FOR REVOCATION HEARING

By this Motion, Defendant herein, Joseph Burnley, respectfully requests a revocation hearing concerning his detention and revocation of parole due to alleged misdemeanor criminal violations or other conduct constituting grounds for revocation of parole. Defendant would show unto the Court that the pending criminal charges against him are on appeal with this Honorable Court and that Defendant will assert colorable defenses to these charges at the trial *de novo*.

Respectfully submitted,

By: 

YANCY B. BURNS

YANCY B. BURNS (MSB #99128)
BURNS & ASSOCIATES, PLLC
Post Office Box 16409
Jackson, Mississippi 39236-6409
Telephone (601) 487-6997
Facsimile (601) 487-6958

FILED

OCT 28 2009


TIME
PATTI DUNCAN LEE
CIRCUIT CLERK

CERTIFICATE OF SERVICE

I, Yancy B. Burns, attorney for Joseph Burnley herein, do hereby certify that I have this day served a true and correct copy of the foregoing document by mailing a true and correct copy thereof by United States Mail, with postage fully prepaid thereon, to:

Mark Duncan, Esq.
Neshoba County District Attorney
Post Office Box 603
Philadelphia, Mississippi 39350-603

This the 26th day of October, 2009.


YANCY B. BURNS

FILED

OCT 28 2009

TIME _____
PATTI DUNCAN LEE
CIRCUIT CLERK

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

APPELLANT

VS.

CAUSE NO. 09-CR-0121-NS-C

CITY OF PHILADELPHIA

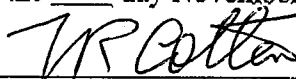
APPELLEE

ORDER AUTHORIZING APPELANT TO PROCEED IN FORMA PAUPERIS
APPOINTMENT OF COUNSEL

On November 4, 2009, this cause came on for hearing on the motion of the Appellant for permission to proceed *in forma pauperis* and for Appointment of Counsel, and the Court having considered said Motion and the sworn testimony of the Appellant offered in support thereof, finds that said Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED the Appellant may proceed *in forma pauperis* in this cause, and that P. Shawn Harris, Esq. is authorized to serve as court appointed counsel of record for the Defendant and that his counsel shall be compensated from the general fund of Neshoba County, Mississippi, in accordance with the usual and customary rate for attorney's fees provided that said request for attorney's fees are reasonable and justified and approved by this Court. The appointment shall be deemed effective November 4, 2009, and shall continue until final disposition or further order of this Court.

SO ORDERED AND ADJUDGED on this the 5 day November, 2009.


HONORABLE VERNON R. COTTEN
CIRCUIT COURT JUDGE

Presented by:

YANCY B. BURNS, MSB #99128
Burns & Associates, PLLC
Post Office Box 16409
Jackson, MS 39236-6409
Phone: (601) 487-6997
Fax: (601) 487-6958

FILED
NOV 06 2009

TIME
PATTI DUNCAN LEE
CIRCUIT CLERK

MB72
Pg 338

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

PLAINTIFF

VS.

CAUSE NO. 09-CR-0121-NS-C

CITY OF PHILADELPHIA

DEFENDANT

ORDER OF CONTINUANCE

CAME ON TO BE HEARD this day, the motion for continuance, ore
tenuis, by the parties in the above styled and numbered cause of
action, and the Court, after considering same and being fully
advised in the premises, finds that said Motion is well taken and
should be and is hereby sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above
styled and numbered cause of action in the Circuit Court of Neshoba
County, Mississippi, is and shall be continued until the March Term
of Court, 2010.

SO ORDERED AND ADJUDGED, this the 19 day of Nov, 2009.



CIRCUIT JUDGE

PREPARED BY:

ROBERT L. THOMAS, MSBN 8159
ALFORD, THOMAS AND KILGORE
ATTORNEYS AT LAW
POST OFFICE BOX 96
PHILADELPHIA, MISSISSIPPI 39350
(601) 656-1871

FILED

NOV 19 2009

MB72
129685

IN THE CIRCUIT COURT OF NESHOBAMA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

APPELLANT

VS.

CAUSE NO.: 09-CR-0121-NS-C

CITY OF PHILADELPHIA

APPELLEE

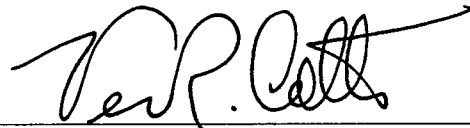
**AMENDED ORDER AUTHORIZING APPELLANT TO
PROCEED IN FORMA PAUPERIS APPOINTMENT OF COUNSEL**

ON NOVEMBER 4, 2009, this cause came on for hearing on the motion of the Appellant for permission to proceed *in forma pauperis* and for Appointment of Counsel, and the Court having considered said Motion and the sworn testimony of the Appellant offered in support thereof, finds that said Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED, the Appellant may proceed *in forma pauperis* in this cause, and that P. Shawn Harris, Esq., is authorized to serve as court appointed counsel of record for the Defendant pursuant to his role as Public Defender in this district.

This amendment is done to simply reflect that P. Shawn Harris, Esq., is acting in his role as Public Defender.

SO ORDERED AND ADJUDGED on this the 24th day of November, 2009.



CIRCUIT JUDGE

FILED

NOV 30 2009

MB72
P9753

TIME
PATTI DUNCAN LEE
CIRCUIT CLERK

IN THE CIRCUIT COURT OF NESHOBIA COUNTY, MISSISSIPPI

JOSEPH BURNLEY

PLAINTIFF

VS.

CAUSE NO. 09-CR-0121-NS-C

CITY OF PHILADELPHIA

DEFENDANT

DISMISSAL ON WRIT OF PROCEDENDO

THIS DAY this cause came on for hearing and the Defendant appeared not and the City of Philadelphia moved to dismiss the appeal, same is therefore dismissed on Writ of Procedendo and returned to the City of Philadelphia for implementation of the original sentence.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered cause of appeal is dismissed on Writ of Procedendo and remanded to the City Court of the City of Philadelphia for implementation of the Court's original judgment.

ORDERED AND ADJUDGED, this the 18 day of March, 2010.


CIRCUIT JUDGE

ROBERT THOMAS, MSBN 8159
ALFORD, THOMAS AND KILGORE
ATTORNEYS AT LAW
POST OFFICE BOX 96
PHILADELPHIA, MISSISSIPPI 39350
(601) 656-1871

FILED

MAR 18 2010
TIME 9:20 AM
PATTI DUNCAN LEE
CIRCUIT CLERK